

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAE BATTAGLIA,) Case No.: C-07-2083 PVT
Plaintiff,)
v.)
DONALD R. LEVITT,)
Defendant.)

**ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED
FOR FAILURE TO PROSECUTE,
BASED ON PLAINTIFF'S FAILURE
TO APPEAR FOR CASE
MANAGEMENT CONFERENCE**

On April 13, 2007, Defendant Donald R. Levitt, appearing pro se, removed this action from state court to this Court. On April 27, 2007, Defendant Levitt filed a unilateral request to dismiss this action. The Court informed Plaintiff's counsel that a Defendant may not unilaterally dismiss an action and that some action was necessary by Plaintiff. Plaintiff has taken no action to either prosecute or dismiss this case. Additionally, a Case Management Conference was scheduled on July 31, 2007, at which Plaintiff and Defendant both failed to appear. Therefore,

IT IS HEREBY ORDERED that, by no later than August 31, 2007, Plaintiff shall file a declaration stating why this case should not be dismissed for failure to prosecute based on Plaintiff's failure to file any documents with this court and Plaintiff's failure to appear at the Case Management Conference.

Dated: August 13, 2007

Patricia V. Frumkull

PATRICIA V. TRUMBULL
United States Magistrate Judge